

1 Jeff D. Friedman (173886)  
2 Shana E. Searlett (217895)  
3 HAGENS BERMAN SOBOL SHAPIRO LLP  
4 715 Hearst Avenue, Suite 202  
5 Berkeley, CA 94710  
6 Telephone: (510) 725-3000  
7 Facsimile: (510) 725-3001  
8 jeff@hbsslaw.com  
9 shanas@hbsslaw.com

6 Steve W. Berman (*Pro Hac Vice*)  
7 HAGENS BERMAN SOBOL SHAPIRO LLP  
8 1918 Eighth Avenue, Suite 3300  
9 Seattle, WA 98101  
Telephone: (206) 623-7292  
Facsimile: (206) 623-0594  
steve@hbsslaw.com

10 *Lead Counsel for Indirect Purchaser Plaintiffs*

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 IN RE OPTICAL DISK DRIVE PRODUCTS  
15 ANTITRUST LITIGATION

No. 3:10-md-2143 RS

STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING PRODUCTION  
OF EMAIL ADDRESSES BY NON-  
PARTY FRY'S ELECTRONICS, INC.

DATE ACTION FILED: Oct. 27, 2009

18 This Document Relates to:

19 ALL INDIRECT PURCHASER ACTIONS  
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1 WHEREAS, on December 17, 2015, Indirect Purchaser Plaintiffs ("IPPs") filed their Notice  
 2 of Motion and Motion for Preliminary Approval of Settlements with Panasonic and NEC Defendant  
 3 Families ("Motion for Preliminary Approval"), seeking to delay notice and distribution until after  
 4 this Court's ruling on the forthcoming motion for class certification (ECF No. 1761);

5 WHEREAS, on January 19, 2016, this Court entered an order deferring formal ruling on  
 6 preliminary approval until after plaintiffs' submit (1) revised notice forms; (2) a notice dissemination  
 7 plan, and; (3) a proposed schedule, within 30 days of a ruling on the pending class certification  
 8 motion or a circuit court ruling on any Rule 23(f) petition, whichever is later (ECF No. 1773);

9 WHEREAS, on February 8, 2016, this Court entered an order granting IPPs' Renewed  
 10 Motion for Class Certification (ECF No. 1783);

11 WHEREAS, the certified class is defined as follows:

12 All persons and entities who, as residents of Arizona, California,  
 13 District of Columbia, Florida, Hawaii, Kansas, Maine, Massachusetts,  
 14 Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New  
 15 Hampshire, New Mexico, New York, North Carolina, Oregon,  
 16 Tennessee, Utah, Vermont, West Virginia and Wisconsin and during  
 17 the period April 2003 to December 2008, purchased new for their own  
 18 use and not for resale: (i) a computer with an internal ODD; (ii) a  
 stand-alone ODD designed for internal use in computers; or (iii) an  
 ODD designed to be attached externally to a computer. ODD refers to  
 a DVD-RW, DVD-ROM, or COMBO drive manufactured by one or  
 more Defendants or their coconspirators. Excluded from the class are  
 any purchases of Panasonic-branded computers.

19 WHEREAS, on June 10, 2016, the Ninth Circuit denied defendants' petition for permission  
 20 to appeal this Court's February 8, 2016 order granting class action certification;<sup>1</sup>

21 WHEREAS, Fry's Electronics, Inc. ("Fry's"), a third-party vendor of some products at issue  
 22 in this litigation, possesses email addresses for some class members who have purchased such  
 23 products from Fry's; and,

24 WHEREAS, Gilardi & Co., LLC ("Gilardi") is the appointed Claims Administrator charged  
 25 with providing notice to the class and has submitted to and/or does hereby submit to the jurisdiction

26 <sup>1</sup> On February 22, 2016, defendants filed their Petition for Permission to Appeal the District  
 27 Court's Order granting IPPs' Renewed Motion for Class Certification and, on March 3, 2016, IPPs  
 28 filed their Opposition to Petition for Permission to Appeal the District Court's Order Granting  
 Certification.

1 of this Court;

2 NOW THEREFORE, IT IS HEREBY STIPULATED by and between the undersigned  
3 counsel for IPPs, Fry's, and Gilardi, as follows:

4 1. Fry's shall produce class member email contact information to Hagens Berman Sobol  
5 and Shapiro solely for the purpose of providing notice to class members, as ordered by this Court,  
6 and only such email addresses of class member-customers that are in Fry's possession;

7 2. Hagens Berman Sobol and Shapiro will provide class member contact information  
8 only to Gilardi;

9 3. Gilardi shall use such email addresses for the limited purpose of providing notice to  
10 class members as ordered by this Court and shall otherwise hold such email addresses strictly  
11 confidential and shall not provide them to any other person or entity; and,

12 4. Hagens, Berman Sobol and Shapiro and Gilardi shall not copy the email addresses  
13 except as is necessary to provide notice to class members as ordered by this Court, and shall not  
14 retain the email addresses or any copies thereof for longer than or in any other manner than is  
15 reasonably necessary to fulfill its duty of providing notice to class members, and shall destroy all  
16 copies of the email addresses as soon as they are no longer necessary to such purpose.

17 IT IS SO STIPULATED.

18 Respectfully submitted,

19 DATED: June 29, 2016

HAGENS BERMAN SOBOL SHAPIRO LLP

20 By   
21 SHANA E. SCARLETT

22 Jeff D. Friedman (173886)  
23 715 Hearst Avenue, Suite 202  
24 Berkeley, CA 94710  
25 Telephone: (510) 725-3000  
26 Facsimile: (510) 725-3001  
27 shanas@hbsslw.com  
28 jeff@hbsslw.com

1 Steve W. Berman (*Pro Hac Vice*)  
2 HAGENS BERMAN SOBOL SHAPIRO LLP  
3 1918 Eighth Avenue, Suite 3300  
4 Seattle, WA 98101  
5 Telephone: (206) 623-7292  
6 Facsimile: (206) 623-0594  
7 steve@hbsslaw.com

8 *Lead Counsel for Indirect*  
9 *Purchaser Plaintiffs*

10 DATED: June 29, 2016

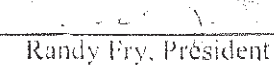
GILARDI & CO., LLC

11 By   
12 DANIEL BURKE

13 3301 Kerner Blvd.  
14 San Rafael, CA 94901  
15 Telephone: (855) 445-2734

16 DATED: June 29, 2016

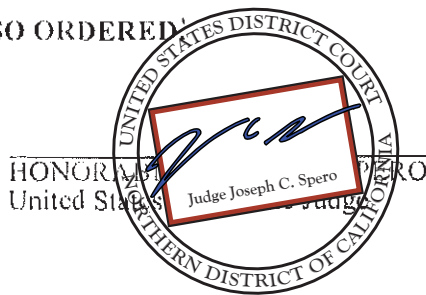
FRY'S ELECTRONICS, INC.

17 By   
18 Randy Fry, President

19 600 E. Brokaw Rd.  
20 San Jose, CA 95112  
21 Telephone: (408) 487-4799  
22 Facsimile: (408) 852-3316  
23 ajc@i.frys.com

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 DATED: 08/01/16



STIP. & ORDER RE PRODUCTION OF EMAIL ADDRESSES - 3  
BY NON-PARTY FRY'S -- No. 3:10-md-2143 RS  
010177-12 881299 V1

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)

I, Shana E. Scarlett, attest that concurrence in the filing of this document has been obtained from all signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 22, 2016, at Berkeley, California



SHANA E. SCARLETT